





**BREWSTER, GROVE AND ASSOCIATES, INC.**  
Management Advisors to the Health Care Industry

138 Cockeysville Road  
Suite 200  
Hunt Valley, MD 21096  
(410) 785-7500  
FAX (410) 584-1499

Joe H. Brewster  
Dane R. Grove, C.P.A.

3250 Dutton Avenue  
Suite 200  
Hunt Valley, CA 94067  
(707) 544-6964  
FAX (707) 578-0553

Patricia J. Poole

6800 S.W. 60th Street  
P.O. Box 620  
Miami, Florida 33155  
(305) 461-5115  
FAX (305) 461-5215

Dorethy J. Goethe, C.P.A.

2130 O'Neal Lane  
Box 121  
Baton Rouge, LA 70815  
(504) 927-1942  
FAX (504) 924-4444

Leslie W. Zeringue, R.N.

10900 Los Alamitos Blvd.  
Suite 214  
Los Alamitos, CA 90720  
FAX (310) 799-0558

Mia A. Velez

June 15, 1994

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204

Re Case No. 94-439A, Item No. 426  
Petition of Thomas Cleckner  
Petition for Variance

Dear Sir/Madam:

I understand that there is a hearing scheduled for Monday, May 20, 1994, in order to consider Mr. Cleckner's request to subdivide his two (2) lots located at 128 and 130 Cockeysville Road. As a result of that subdivision, we understand that 2 minor zoning variances have been requested dealing with set back issues. Please be advised that we are in support of this subdivision.

Very truly yours,

*Joe H. Brewster*  
Joe H. Brewster  
CEO

JHB/jm

**PETITIONER'S  
EXHIBIT 2A**

*120 Associates Limited*

PARTNERSHIP  
120 COCKEYSVILLE ROAD  
SUITE 205  
COCKEYSVILLE, MD 21030  
(301) 667-8400

June 14, 1994

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 94-439A, Item No. 426  
Petition of Thomas Cleckner  
Petition for Variance

Dear Sir/Madam:

I understand that there is a hearing scheduled for Monday, June 20, 1994 in order to consider Mr. Cleckner's request to subdivide his two (2) lots located at 128 and 130 Cockeysville Road. As a result of that subdivision, we understand that 2 minor zoning variances have been requested dealing with set back issues. Please be advised that we have no objection to this subdivision.

Very truly yours,

120 ASSOCIATES LIMITED PARTNERSHIP

*Charles F. Frank*  
Charles F. Frank  
Partner

CJF:cn

2B



P.O. BOX 507, HUNT VALLEY, MD 21030  
(410) 584-7377 FAX (410) 527-0046

June 14, 1994

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No: 94-439, Item No. 426  
Petition of Thomas Cleckner  
Petition for Variance

Dear Sir/Madam

I understand that there is a hearing scheduled to consider Mr. Cleckner's request to subdivide his two (2) lots located at 128 and 130 Cockeysville road. as a result of that subdivision, we understand that 2 minor zoning variances have been requested dealing with the set back issue. Please be advised that I am a property owner on Cockeysville Rd., that I am in support of this subdivision, and I am available at the office for any further questions.

Very truly yours,  
Edward F. Rowson

*Edward F. Rowson*  
Edward F. Rowson  
President  
Hunt Valley Motor Coach

2C

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: May 18, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*  
Division Chief: *Carol L. Kern*

PK/JL:lw

ZAC-401/PZONE/ZAC1

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/17/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
BYEL 500P-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 411, 421, 424, 426, AND 427.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MB-1102F

cc: File  
Printed with Recycled Ink  
on Recycled Paper

RECEIVED  
MAY 18 1994

ZADM

RE: PETITION FOR VARIANCE  
N/S Cockeysville Road, 240'  
E of c/l Williamson Lane  
(128 and 130 Cockeysville Road)  
8th Election Dist., 3rd  
Councilmanic Dist.  
THOMAS CLECKNER  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 94-439-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Denilio*  
CAROLE S. DENILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17<sup>th</sup> day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Kevin J. Davidson, Esquire, Gallagher, Evelius & Jones, Suite 400, 218 N. Charles Street, Baltimore, MD 21201, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

LAW OFFICES  
GALLAGHER, EVELIUS & JONES

PARK CHARLES  
218 NORTH CHARLES STREET  
BALTIMORE, MD 21201

May 6, 1994

BY HAND DELIVERY

Mr. Reg Tangulig  
Office of Zoning Administration  
and Development Management  
for Baltimore County  
111 West Chesapeake Avenue  
Room 109  
Towson, MD 21204

RE: Zoning Variance Request by Thomas Cleckner

Dear Mr. Tangulig:

As a follow up to our meeting which we had at 9:00 on Tuesday, May 3, 1994, I am enclosing 3 original revised Petitions for Variance for the variances arising as a result of the sub-division of Mr. Cleckner's commercial property. I am also enclosing a check, in the amount of Two Hundred Eight-five Dollars (\$285.00), as well as 12 revised zoning petition plats, 3 revised zoning descriptions and a copy of the zoning map.

In accordance with our conversation at our meeting on Tuesday, it is my understanding that this package, as revised in accordance with your instructions, is sufficient for you to accept the Petition for filing and to arrange to have the property posted. It is my understanding that the posting will occur within 15 days and that the zoning hearing will occur within 30 to 35 days of our filing of this Application today.

Please contact me as soon as possible as to the first available hearing date. This property is subject to a Contract of Sale, which Contract is contingent upon the completion of the subdivision and zoning variance processes. Thus, anything that you can do to expedite this matter would be greatly appreciated.

KENNETH J. WELLS, INC.  
Land Planners and Surveyors

Telephone: (410) 665-3242  
Telecopier: (410) 665-3859

7902 Belair Road  
Baltimore, MD 21236-3735

June 14, 1994

Mr. J. John Dieter  
Baltimore County Government  
Department of Environmental Protection  
and Resource Management  
Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

Re: Cleckner Property @ 128 Cockeysville Road  
DRC No. 021441, 8C3

Dear Mr. Dieter:

On behalf of my client, I hereby request that a variance be granted under Section 14.415 of the Forest Conservation Regulations. A hardship would be created as the site is mostly impervious and would be difficult to establish an area for forest conservation. Also, the proposed improvements would only disturb an area of less than 5000 square feet.

Thank you in advance for your consideration.

Should you have any questions or comments, please feel free to call me.

Very truly yours,

Kenneth J. Wells

enclosures: 1 Site Proposal Plan  
Simplified Forest Stand Delineations  
DRC Approval Letter dated 2/16/94

KENNETH J. WELLS, INC.  
Land Planners and Surveyors

Telephone: (410) 665-3242  
Telecopier: (410) 665-3859

7902 Belair Road  
Baltimore, Md. 21236-3735

June 15, 1994

Mr. Avery Harden  
Baltimore County Government  
Development Plans Review  
Department of Public Works  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Cleckner Property @ 128 Cockeysville Road

Dear Avery:

Please find enclosed a Site Proposal Plan for the subject property along with a letter dated February 16, 1994 approving a Limited Exception under Section 26-171(a)(10) of the Baltimore County Development Regulations. The letter states that we should consult with DRP to determine whether or not a landscape plan would be required. Please review the enclosed plan to make that determination.

Thank you in advance for your consideration.

Should you have any questions or comments, please feel free to call me.

Very truly yours,

Kenneth J. Wells

enclosure: 1 Site Proposal Plan  
DRC Approval Letter dated 2/16/94

KJW/lkw

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

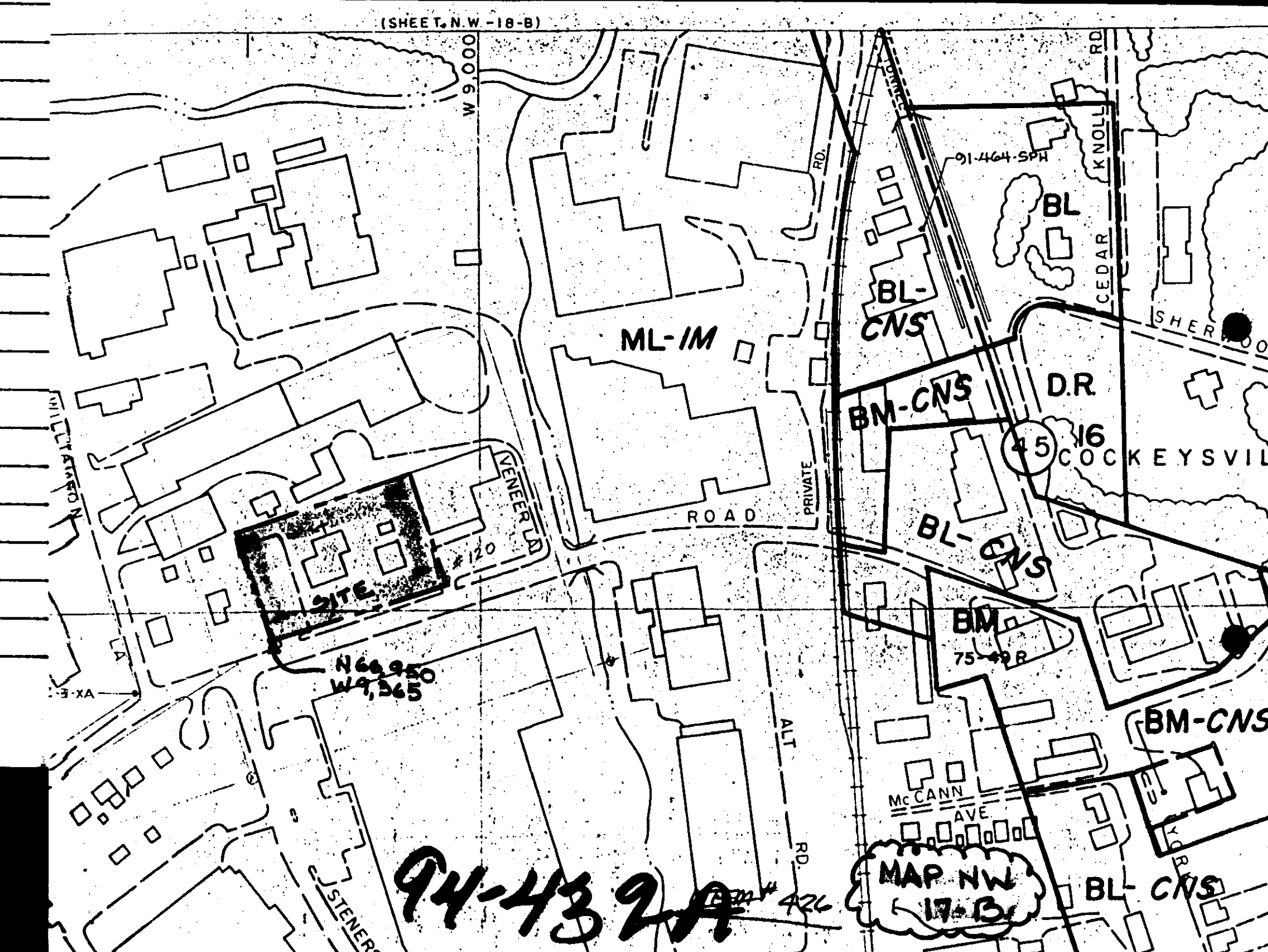
*Matthew W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

ADDRESS

*S. de 400, 218 N. Charles St., Baltimore, MD 21201*  
*201 New River Drive #2122*  
*100 E. Joppa Road, Towson, MD 21204*

*Raymond L. Seward & Assoc., Inc.*  
Real Estate Appraisers & Consultants  
7400 York Road  
Towson Maryland 21204

Phone 410-821-5273  
FAX 410-821-5287





**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 7th Date of Posting: 5/12/94  
Posted for: Thomas Cleckner  
Petitioner: 128 & 130 Cockeysville Rd.  
Location of property: 128 & 130 Cockeysville Rd.  
Location of Sign: 128 & 130 Cockeysville Rd.  
Remarks: Sign  
Posted by: Sign Date of return: 5/13/94  
Number of Signs: 1

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 94-439-A (Item 426)  
128 and 130 Cockeysville Rd.  
N/S Cockeysville Rd., 240' E of c/l Williamson Lane  
8th Election District - 3rd Councilmanic  
Petitioner(s): Thomas Cleckner  
HEARING: MONDAY, JUNE 20, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse

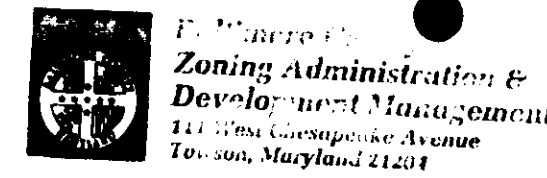
Variance: to permit a 28.5 foot side yard setback in lieu of the required minimum setback of 30 feet; and to permit a 21 foot side yard setback in lieu of the required 22.5 foot side yard setback.

LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353. (2) If information concerning the file and/or hearing, please call 887-3391. (3) 5:40 May 19

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 5/12/94  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/17/94

THE JEFFERSONIAN,  
TOWSON, MARYLAND



Date: 5-6-94  
Thomas Cleckner  
128 & 130 Cockeysville Rd.

020 - VARIANCE - \$ 250.00  
050 - SIGN - \$ 35.00  
TOTAL - \$ 285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 426  
Petitioner: Thomas Cleckner  
Location: 128 & 130 Cockeysville Rd.  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: KEVIN J. DAVIDSON  
ADDRESS: GALLAGHER, EVELIUS & JONES  
SUITE 400  
218 N. CHARLES ST. BALTIMORE, MD. 21201  
PHONE NUMBER: 727-7702

MUST BE SUPPLIED

TO: POTOMAC PUBLISHING COMPANY  
May 19, 1994 Issue - Jeffersonian

Please forward billing to:

Kevin J. Davidson, Esq.  
Gallagher, Evelius & Jones  
218 N. Charles Street, Suite 400  
Baltimore, Maryland 21201  
727-7702

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-439-A (Item 426)

128 and 130 Cockeysville Road  
N/S Cockeysville Road, 240' E of c/l Williamson Lane  
8th Election District - 3rd Councilmanic  
Petitioner(s): Thomas Cleckner

HEARING: MONDAY, JUNE 20, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse.

Variance: to permit a 28.5 foot side yard setback in lieu of the required minimum setback of 30 feet; and to permit a 21-foot side yard setback in lieu of the required 22.5 foot side yard setback.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

MAY 12, 1994

(410) 887-3353

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-439-A (Item 426)  
128 and 130 Cockeysville Road  
N/S Cockeysville Road, 240' E of c/l Williamson Lane  
8th Election District - 3rd Councilmanic  
Petitioner(s): Thomas Cleckner  
HEARING: MONDAY, JUNE 20, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse.

Variance: to permit a 28.5 foot side yard setback in lieu of the required minimum setback of 30 feet; and to permit a 21-foot side yard setback in lieu of the required 22.5 foot side yard setback.

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Thomas Cleckner  
Kevin J. Davidson, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 10, 1994

Kevin J. Davidson, Esquire  
Gallagher, Evelius & Jones  
Suite 400  
218 North Charles Street  
Baltimore, Maryland 21201

RE: Case No. 94-439-A, Item No. 426  
Petitioner: Thomas Cleckner  
Petition for Variance

Dear Mr. Davidson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 6, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: May 23, 1994  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section  
RE: Zoning Advisory Committee Meeting  
for May 23, 1994  
Item No. 426

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Baltimore County Landscape Manual.

RWB:sw



Maryland Department of Transportation  
State Highway Administration

O. James Lightmizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 426 (KT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for *DAVID R. RAMSEY, ACTING CHIEF*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

IN RE: PETITION FOR VARIANCE  
N/S Cockeysville Road, 240' E  
of the c/l of Williamson Lane  
(130 Cockeysville Road)  
8th Election District  
3rd Councilmanic District  
Thomas Cleckner  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 130 Cockeysville Road located off of York Road in northern Baltimore County. The Petition was filed by the owner of the property, Thomas Cleckner. The Petitioner seeks relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 28.5 feet in lieu of the minimum required 30 feet, and from Section 301.1.A of the B.C.Z.R. to permit a side yard setback of 21 feet in lieu of the required 22.5 feet for existing improvements. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Thomas Cleckner, property owner, Kenneth J. Wells, Registered Property Line Surveyor, and Matthew W. Oakley, Esquire, attorney for the Petitioner. There were no Protestants.

Testimony and evidence presented revealed that the subject property consists of 1.41 acres, more or less, zoned M.L., and is improved with a two-story stone and block office building, a three-story stone office building, and a one-story block garage. The Petitioner is desirous of subdividing the property to create two separate lots, proposed Lot 1 of which would consist of approximately 0.94 acres and contain the two-story

stone and block office building. Proposed Lot 2, which is presently under contract of sale, would consist of the remaining 0.47 acres and contain the three-story stone office building and one-story block garage. The Petitioner situated the line of subdivision in a manner which resulted in the least amount of variances having to be requested. As such, the variances that are being requested are from an interior lot line and will not result in any detriment to the neighboring properties.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or struc-

- 2 -

ture which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of June, 1994 that the Petition for Variance seeking relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 28.5 feet in lieu of the minimum required 30 feet, and from Section 301.1.A of the B.C.Z.R. to permit a side yard setback of 21 feet in lieu of the required 22.5 feet for existing improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County, within thirty (30) days of the date of this Order.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

- 3 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 867-4386

June 30, 1994

Matthew W. Oakley, Esquire  
218 North Charles Street, Suite 400  
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE  
N/S Cockeysville Road, 240' E of the c/l of Williamson Lane  
(128 and 130 Cockeysville Road)  
8th Election District - 3rd Councilmanic District  
Thomas Cleckner - Petitioner  
Case No. 94-439-A

Dear Mr. Oakley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 867-3391.

Very truly yours,

Timothy M. Kotroco

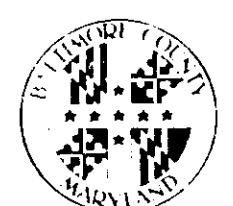
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Kenneth J. Wells  
7902 Belair Road, Baltimore, Md. 21236-3735

People's Counsel

File



**Petition for Variance**

to the Zoning Commissioner of Baltimore County

for the property located at 128 and 130 Cockeysville Road  
which is presently zoned ML - (M)

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections

See Exhibit A attached hereto

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

See Exhibit B attached hereto

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Consent/Purchaser/Endorse  
(Type or Print Name)  
Signature  
Address  
City  
State  
Zip  
Attorney for Petitioner  
Kevin J. Davidson, Esquire  
(Type or Print Name)  
Signature  
Address  
City  
State  
Zip  
Name Address and phone number of Petitioner (if different from above)  
Gallagher, Evelius & Jones  
Suite 400  
218 North Charles Street 727-7702  
Baltimore, Maryland 21201 727-7702

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)  
(Legal Owner)  
Thomas Cleckner  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature

130 Cockeysville Road 771-6300  
Baltimore, Maryland 21030  
City Name Address and phone number of Petitioner (if different from above)  
Kevin J. Davidson, Esquire  
Name 218 North Charles Street, Suite 400  
Address Baltimore, Maryland 21201 727-7702  
City State Zip

ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date: Next Two Months  
ALL OTHER  
REVIEWED BY: RT DATE: 5-6-94  
ITEM # 426

**EXHIBIT A**  
Necessary Variances

Variance from Section 255.1 and 238.2 to permit a 28.5' side yard setback in lieu of the required minimum setback of 30'.

Variance from Section 301.1A to permit a 21' side yard setback in lieu of the required 22.5' side yard setback.

**EXHIBIT B**

The owner is currently seeking to subdivide 130 Cockeysville Road into two lots and, to that end, have recently applied for a Limited Exemption under Section 26-171 (a)(10) of the Baltimore County Code, which was granted (See February 16, 1994 letter from Donald T. Rascoe). Such subdivision will allow the owner to sell one of the lots. The use of the properties will not change in that both lots will remain commercial in nature, and the existing structures will remain the same.

Due to the placement and configuration of the buildings on the lot, strict conformity with the required setbacks would result in practical difficulty or unreasonable hardship for the owner. One of the variances being requested represents an insignificant amount of area, namely, 1.5 feet. The requested changes are extremely slight, and the granting of both the minimum side yard setback variance as well as the side porch variance are in strict harmony with the spirit and intent of the required setbacks and the Baltimore County Zoning Regulations. If the variances outlined on Exhibit A are not granted, the owner will experience a practical difficulty in his ability to sell one or both of the buildings.

0346pcq.pcq

ITEM # 426

KENNETH J. WELLS, INC.  
Land Planners and Surveyors

Telephone: (410) 665-3242  
Telecopier: (410) 665-3659

7902 Belair Road  
Baltimore, Md. 21236

December 13, 1993

**ZONING DESCRIPTION**  
of  
**CLECKNER PROPERTY**  
**COCKEYSVILLE, MARYLAND**

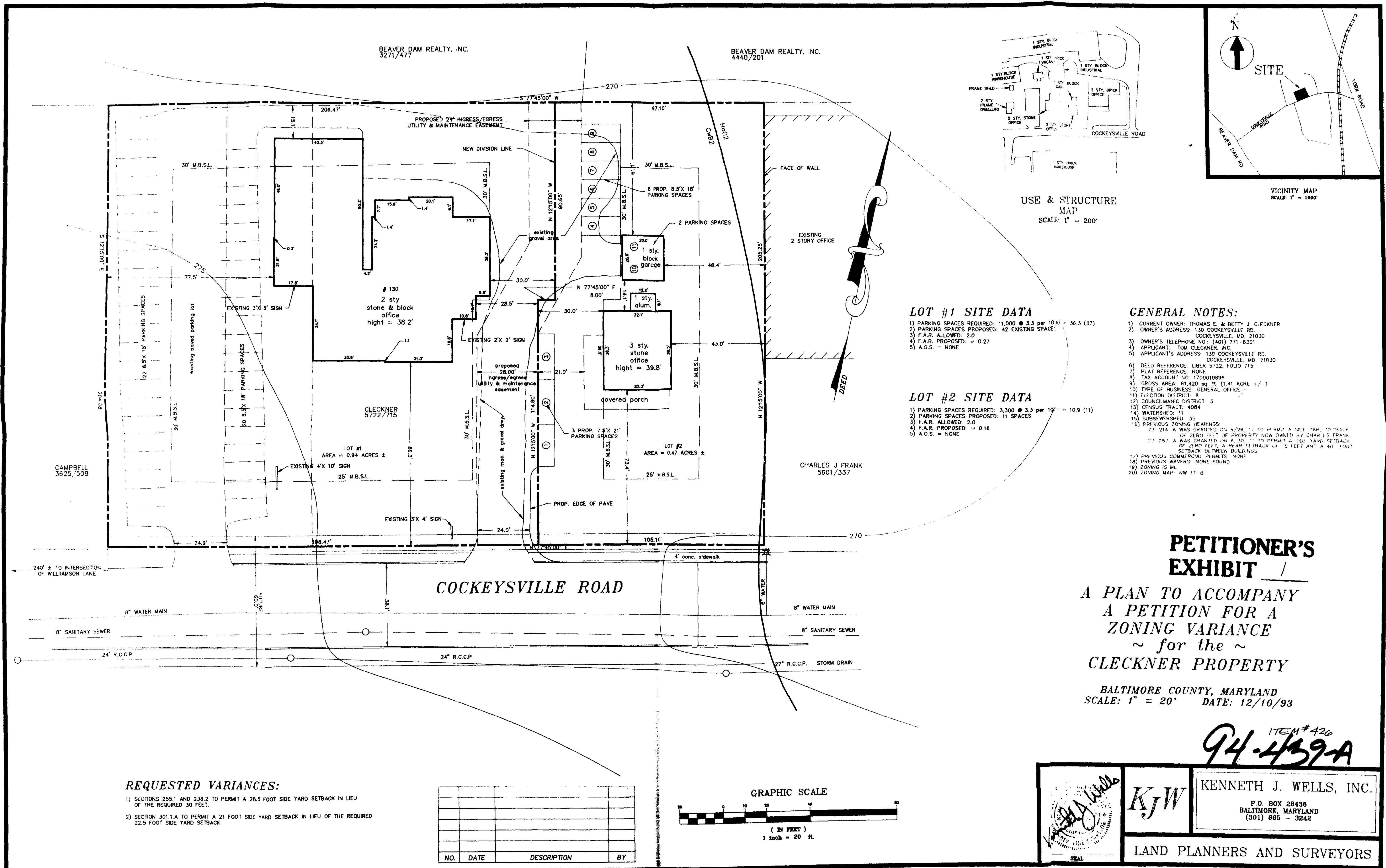
Beginning at a point on the north side of Cockeysville Road which is currently 50 feet wide, with a future right of way of 60 feet, at a distance of 240 feet of the east of the centerline of the nearest improved intersecting street called Williamson Lane which is approximately 30 feet wide. Thence the following courses and distances:

- 1) North 77 degrees 45 minutes East 303.57 feet
- 2) North 12 degrees 15 minutes West 205.25 feet
- 3) South 77 degrees 45 minutes West 303.57 feet
- 4) South 12 degrees 15 minutes West 205.25 feet

to the place of beginning as recorded in Liber 5722 folio 715 and Liber 1791 folio 59.



ITEM # 426







**BREWSTER, GROVE AND ASSOCIATES, INC.**  
Management Advisors to the Health Care Industry

138 Cockeysville Road  
Suite 200  
Hunt Valley, MD 21096  
(410) 785-7500  
FAX (410) 584-1499

Joe H. Brewster  
Dane R. Grove, C.P.A.

3250 Dutton Avenue  
Suite 200  
Hunt Valley, CA 94067  
(707) 544-6964  
FAX (707) 578-0553

Patricia J. Poole

6800 S.W. 60th Street  
P.O. Box 620  
Miami, Florida 33155  
(305) 461-5115  
FAX (305) 461-5215

Dorethy J. Goethe, C.P.A.

2130 O'Neal Lane  
Box 121  
Baton Rouge, LA 70815  
(504) 927-1942  
FAX (504) 924-4444

Leslie W. Zeringue, R.N.

10900 Los Alamitos Blvd.  
Suite 214  
Los Alamitos, CA 90720  
FAX (310) 799-0558

Mia A. Velez

June 15, 1994

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204

Re Case No. 94-439A, Item No. 426  
Petition of Thomas Cleckner  
Petition for Variance

Dear Sir/Madam:

I understand that there is a hearing scheduled for Monday, May 20, 1994, in order to consider Mr. Cleckner's request to subdivide his two (2) lots located at 128 and 130 Cockeysville Road. As a result of that subdivision, we understand that 2 minor zoning variances have been requested dealing with set back issues. Please be advised that we are in support of this subdivision.

Very truly yours,

*Joe H. Brewster*  
Joe H. Brewster  
CEO

JHB/jm

**PETITIONER'S  
EXHIBIT 2A**

*120 Associates Limited*

PARTNERSHIP  
120 COCKEYSVILLE ROAD  
SUITE 205  
COCKEYSVILLE, MD 21030  
(301) 667-8400

June 14, 1994

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 94-439A, Item No. 426  
Petition of Thomas Cleckner  
Petition for Variance

Dear Sir/Madam:

I understand that there is a hearing scheduled for Monday, June 20, 1994 in order to consider Mr. Cleckner's request to subdivide his two (2) lots located at 128 and 130 Cockeysville Road. As a result of that subdivision, we understand that 2 minor zoning variances have been requested dealing with set back issues. Please be advised that we have no objection to this subdivision.

Very truly yours,

120 ASSOCIATES LIMITED PARTNERSHIP

*Charles F. Frank*  
Charles F. Frank  
Partner

CJF:cn

2B



June 14, 1994

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 94-439, Item No. 426  
Petition of Thomas Cleckner  
Petition for Variance

Dear Sir/Madam

I understand that there is a hearing scheduled to consider Mr. Cleckner's request to subdivide his two (2) lots located at 128 and 130 Cockeysville road. As a result of that subdivision, we understand that 2 minor zoning variances have been requested dealing with the set back issue. Please be advised that I am a property owner on Cockeysville Rd., that I am in support of this subdivision, and I am available at the office for any further questions.

Very truly yours,  
Edward F. Rowson

*Edward F. Rowson*  
Edward F. Rowson  
President  
Hunt Valley Motor Coach

2C

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: May 18, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*  
Division Chief: *Carol L. Kern*

PK/JL:lw

ZAC-401/PZONE/ZAC1

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/17/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP 1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 411, 421, 424, 426, AND 427.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MB-1102F

cc: File  
Printed with Recycled Ink  
on Recycled Paper

RECEIVED  
MAY 18 1994

ZADM

RE: PETITION FOR VARIANCE  
N/S Cockeysville Road, 240'  
E of c/l Williamson Lane  
(128 and 130 Cockeysville Road)  
8th Election Dist., 3rd  
Councilmanic Dist.  
THOMAS CLECKNER  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 94-439-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Denilio*  
CAROLE S. DENILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17<sup>th</sup> day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Kevin J. Davidson, Esquire, Gallagher, Evelius & Jones, Suite 400, 218 N. Charles Street, Baltimore, MD 21201, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

LAW OFFICES  
GALLAGHER, EVELIUS & JONES

PARK CHARLES  
218 NORTH CHARLES STREET  
BALTIMORE, MD 21201

May 6, 1994

BY HAND DELIVERY

Mr. Reg Tangulig  
Office of Zoning Administration  
and Development Management  
for Baltimore County  
111 West Chesapeake Avenue  
Room 109  
Towson, MD 21204

RE: Zoning Variance Request by Thomas Cleckner

Dear Mr. Tangulig:

As a follow up to our meeting which we had at 9:00 on Tuesday, May 3, 1994, I am enclosing 3 original revised Petitions for Variance for the variances arising as a result of the sub-division of Mr. Cleckner's commercial property. I am also enclosing a check, in the amount of Two Hundred Eight-five Dollars (\$285.00), as well as 12 revised zoning petition plats, 3 revised zoning descriptions and a copy of the zoning map.

In accordance with our conversation at our meeting on Tuesday, it is my understanding that this package, as revised in accordance with your instructions, is sufficient for you to accept the Petition for filing and to arrange to have the property posted. It is my understanding that the posting will occur within 15 days and that the zoning hearing will occur within 30 to 35 days of our filing of this Application today.

Please contact me as soon as possible as to the first available hearing date. This property is subject to a Contract of Sale, which Contract is contingent upon the completion of the subdivision and zoning variance processes. Thus, anything that you can do to expedite this matter would be greatly appreciated.

KENNETH J. WELLS, INC.  
Land Planners and Surveyors

Telephone: (410) 665-3242  
Telecopier: (410) 665-3859

7902 Belair Road  
Baltimore, MD 21236-3735

June 14, 1994

Mr. J. John Dieter  
Baltimore County Government  
Department of Environmental Protection  
and Resource Management  
Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

Re: Cleckner Property @ 128 Cockeysville Road  
DRC No. 021441, 8C3

Dear Mr. Dieter:

On behalf of my client, I hereby request that a variance be granted under Section 14.415 of the Forest Conservation Regulations. A hardship would be created as the site is mostly impervious and would be difficult to establish an area for forest conservation. Also, the proposed improvements would only disturb an area of less than 5000 square feet.

Thank you in advance for your consideration.

Should you have any questions or comments, please feel free to call me.

Very truly yours,

Kenneth J. Wells

enclosures: 1 Site Proposal Plan  
Simplified Forest Stand Delineations  
DRC Approval Letter dated 2/16/94

KENNETH J. WELLS, INC.  
Land Planners and Surveyors

Telephone: (410) 665-3242  
Telecopier: (410) 665-3859

7902 Belair Road  
Baltimore, MD 21236-3735

June 15, 1994

Mr. Avery Harden  
Baltimore County Government  
Development Plans Review  
Department of Public Works  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Cleckner Property @ 128 Cockeysville Road

Dear Avery:

Please find enclosed a Site Proposal Plan for the subject property along with a letter dated February 16, 1994 approving a Limited Exception under Section 26-171(a)(10) of the Baltimore County Development Regulations. The letter states that we should consult with DRP to determine whether or not a landscape plan would be required. Please review the enclosed plan to make that determination.

Thank you in advance for your consideration.

Should you have any questions or comments, please feel free to call me.

Very truly yours,

Kenneth J. Wells

enclosure: 1 Site Proposal Plan  
DRC Approval Letter dated 2/16/94

KJW/lw

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

*Matthew W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

ADDRESS

*S. de 400, 218 N. Charles St., Baltimore, MD 21201*  
*201 New River Drive #2122*  
*100 E. Joppa Road, Towson, MD 21204*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

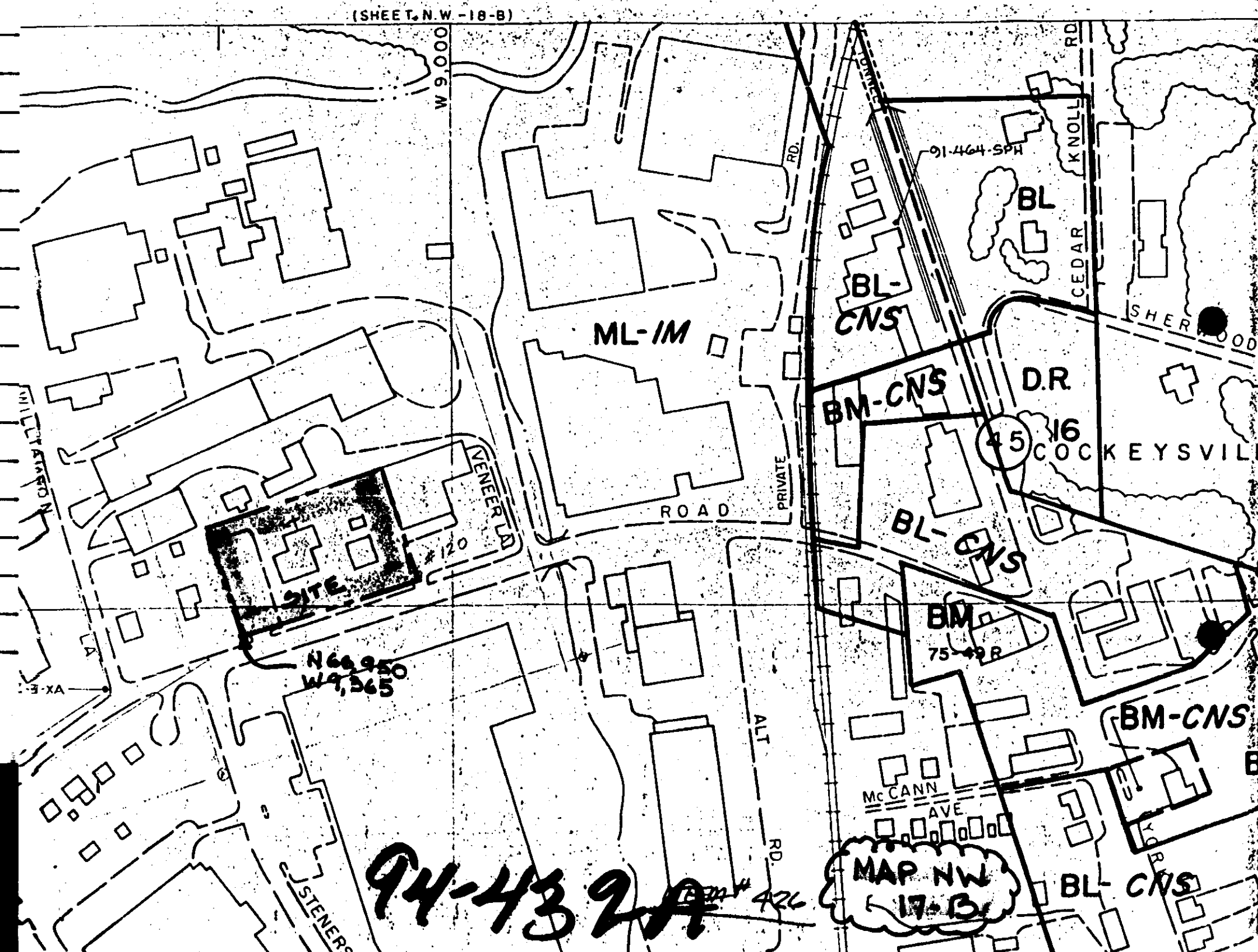
*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*

*Blaine W. Olay, attorney*  
*Thomas Cleckner*  
*Robert J. Davidson*





**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 7th Date of Posting: 5/12/94  
Posted for: Thomas Cleckner  
Petitioner: 128 & 130 Cockeysville Rd.  
Location of property: 128 & 130 Cockeysville Rd.  
Location of Sign: 128 & 130 Cockeysville Rd.  
Remarks: Sign  
Posted by: Sign Date of return: 5/13/94  
Number of Signs: 1

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 94-439-A (Item 426)  
128 and 130 Cockeysville Rd.  
N/S Cockeysville Rd., 240' E of c/l Williamson Lane  
8th Election District - 3rd Councilmanic  
Petitioner(s): Thomas Cleckner  
HEARING: MONDAY, JUNE 20, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse

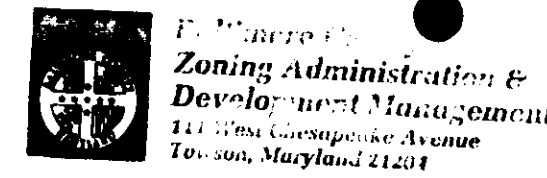
Variance: to permit a 28.5 foot side yard setback in lieu of the required minimum setback of 30 feet; and to permit a 21 foot side yard setback in lieu of the required 22.5 foot side yard setback.

LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353. (2) If information concerning the file and/or hearing, please call 887-3391. (3) 5:40 May 19

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 5/12/94  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/17/94

THE JEFFERSONIAN,  
TOWSON, MARYLAND



Date: 5-6-94  
Thomas Cleckner  
128 & 130 Cockeysville Rd.

Account: R016150  
Number: 426  
R.T.

020 - VARIANCE - \$ 250.00  
080 - SIGN - \$ 35.00  
TOTAL - \$ 285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 426  
Petitioner: Thomas Cleckner  
Location: 128 & 130 Cockeysville Rd.  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: KEVIN J. DAVIDSON  
ADDRESS: GALLAGHER, EVELIUS & JONES  
SUITE 400  
218 N. CHARLES ST. BALTIMORE, MD. 21201  
PHONE NUMBER: 727-7702

MUST BE SUPPLIED

TO: POTOMAC PUBLISHING COMPANY  
May 19, 1994 Issue - Jeffersonian

Please forward billing to:

Kevin J. Davidson, Esq.  
Gallagher, Evelius & Jones  
218 N. Charles Street, Suite 400  
Baltimore, Maryland 21201  
727-7702

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-439-A (Item 426)

128 and 130 Cockeysville Road  
N/S Cockeysville Road, 240' E of c/l Williamson Lane  
8th Election District - 3rd Councilmanic  
Petitioner(s): Thomas Cleckner

HEARING: MONDAY, JUNE 20, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse.

Variance: to permit a 28.5 foot side yard setback in lieu of the required minimum setback of 30 feet; and to permit a 21-foot side yard setback in lieu of the required 22.5 foot side yard setback.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

MAY 12, 1994

(410) 887-3353

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-439-A (Item 426)  
128 and 130 Cockeysville Road  
N/S Cockeysville Road, 240' E of c/l Williamson Lane  
8th Election District - 3rd Councilmanic  
Petitioner(s): Thomas Cleckner  
HEARING: MONDAY, JUNE 20, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse.

Variance: to permit a 28.5 foot side yard setback in lieu of the required minimum setback of 30 feet; and to permit a 21-foot side yard setback in lieu of the required 22.5 foot side yard setback.

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Thomas Cleckner  
Kevin J. Davidson, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 10, 1994

Kevin J. Davidson, Esquire  
Gallagher, Evelius & Jones  
Suite 400  
218 North Charles Street  
Baltimore, Maryland 21201

RE: Case No. 94-439-A, Item No. 426  
Petitioner: Thomas Cleckner  
Petition for Variance

Dear Mr. Davidson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 6, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: May 23, 1994  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section  
RE: Zoning Advisory Committee Meeting  
for May 23, 1994  
Item No. 426

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Baltimore County Landscape Manual.

RWB:sw



Maryland Department of Transportation  
State Highway Administration

O. James Lightmizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 426 (RT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for *DAVID R. RAMSEY, ACTING CHIEF*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

IN RE: PETITION FOR VARIANCE  
N/S Cockeysville Road, 240' E  
of the c/l of Williamson Lane  
(130 Cockeysville Road)  
8th Election District  
3rd Councilmanic District  
Thomas Cleckner  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 130 Cockeysville Road located off of York Road in northern Baltimore County. The Petition was filed by the owner of the property, Thomas Cleckner. The Petitioner seeks relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 28.5 feet in lieu of the minimum required 30 feet, and from Section 301.1.A of the B.C.Z.R. to permit a side yard setback of 21 feet in lieu of the required 22.5 feet for existing improvements. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Thomas Cleckner, property owner, Kenneth J. Wells, Registered Property Line Surveyor, and Matthew W. Oakley, Esquire, attorney for the Petitioner. There were no Protestants.

Testimony and evidence presented revealed that the subject property consists of 1.41 acres, more or less, zoned M.L., and is improved with a two-story stone and block office building, a three-story stone office building, and a one-story block garage. The Petitioner is desirous of subdividing the property to create two separate lots, proposed Lot 1 of which would consist of approximately 0.94 acres and contain the two-story

stone and block office building. Proposed Lot 2, which is presently under contract of sale, would consist of the remaining 0.47 acres and contain the three-story stone office building and one-story block garage. The Petitioner situated the line of subdivision in a manner which resulted in the least amount of variances having to be requested. As such, the variances that are being requested are from an interior lot line and will not result in any detriment to the neighboring properties.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or struc-

- 2 -

ture which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of June, 1994 that the Petition for Variance seeking relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 28.5 feet in lieu of the minimum required 30 feet, and from Section 301.1.A of the B.C.Z.R. to permit a side yard setback of 21 feet in lieu of the required 22.5 feet for existing improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County, within thirty (30) days of the date of this Order.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

- 3 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 867-4386

June 30, 1994

Matthew W. Oakley, Esquire  
218 North Charles Street, Suite 400  
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE  
N/S Cockeysville Road, 240' E of the c/l of Williamson Lane  
(128 and 130 Cockeysville Road)  
8th Election District - 3rd Councilmanic District  
Thomas Cleckner - Petitioner  
Case No. 94-439-A

Dear Mr. Oakley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 867-3391.

Very truly yours,

Timothy M. Kotroco

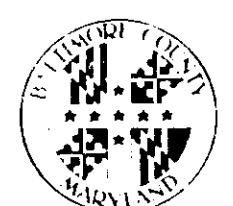
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Kenneth J. Wells  
7902 Belair Road, Baltimore, Md. 21236-3735

People's Counsel

File



**Petition for Variance**

to the Zoning Commissioner of Baltimore County

for the property located at 128 and 130 Cockeysville Road  
which is presently zoned ML - (M)

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections

See Exhibit A attached hereto

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

See Exhibit B attached hereto

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Consent/Purchaser/Endorse  
(Type or Print Name)  
Signature  
Address  
City  
State  
Zip  
Attorney for Petitioner  
Kevin J. Davidson, Esquire  
(Type or Print Name)  
Signature  
Address  
City  
State  
Zip  
Name Address and phone number of Petitioner (if different from above)  
Gallagher, Evelius & Jones  
Suite 400  
218 North Charles Street 727-7702  
Baltimore, Maryland 21201 727-7702

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)  
(Legal Owner)  
Thomas Cleckner  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature

130 Cockeysville Road 771-6300  
Baltimore, Maryland 21030  
City Name Address and phone number of Petitioner (if different from above)  
Kevin J. Davidson, Esquire  
Name 218 North Charles Street, Suite 400  
Address Baltimore, Maryland 21201 727-7702

ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date  
ALL OTHER  
REVIEWED BY: RT DATE: 5-6-94

ITEM # 426

**EXHIBIT A**  
Necessary Variances

Variance from Section 255.1 and 238.2 to permit a 28.5' side yard setback in lieu of the required minimum setback of 30'.

Variance from Section 301.1A to permit a 21' side yard setback in lieu of the required 22.5' side yard setback.

**EXHIBIT B**

The owner is currently seeking to subdivide 130 Cockeysville Road into two lots and, to that end, have recently applied for a Limited Exemption under Section 26-171 (a)(10) of the Baltimore County Code, which was granted (See February 16, 1994 letter from Donald T. Rascoe). Such subdivision will allow the owner to sell one of the lots. The use of the properties will not change in that both lots will remain commercial in nature, and the existing structures will remain the same.

Due to the placement and configuration of the buildings on the lot, strict conformity with the required setbacks would result in practical difficulty or unreasonable hardship for the owner. One of the variances being requested represents an insignificant amount of area, namely, 1.5 feet. The requested changes are extremely slight, and the granting of both the minimum side yard setback variance as well as the side porch variance are in strict harmony with the spirit and intent of the required setbacks and the Baltimore County Zoning Regulations. If the variances outlined on Exhibit A are not granted, the owner will experience a practical difficulty in his ability to sell one or both of the buildings.

0346pcq.pcq

ITEM # 426

KENNETH J. WELLS, INC.  
Land Planners and Surveyors

Telephone: (410) 665-3242  
Telecopier: (410) 665-3659

7902 Belair Road  
Baltimore, Md. 21236

December 13, 1993

**ZONING DESCRIPTION**  
of  
**CLECKNER PROPERTY**  
**COCKEYSVILLE, MARYLAND**

Beginning at a point on the north side of Cockeysville Road which is currently 50 feet wide, with a future right of way of 60 feet, at a distance of 240 feet of the east of the centerline of the nearest improved intersecting street called Williamson Lane which is approximately 30 feet wide. Thence the following courses and distances:

- 1) North 77 degrees 45 minutes East 303.57 feet
- 2) North 12 degrees 15 minutes West 205.25 feet
- 3) South 77 degrees 45 minutes West 303.57 feet
- 4) South 12 degrees 15 minutes West 205.25 feet

to the place of beginning as recorded in Liber 5722 folio 715 and Liber 1791 folio 59.



ITEM # 426